

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN (SOUTHERN DIVISION (1))



UNITED STATES

V.

MICHAEL DONNELL NEELEY

CASE NO. 1:17-cr-00271-JTN-5

MOTION FOR COURT TO ISSUE ORDER TO RELEASE
TRANSCRIPTS IN ABOVE CASE FOR REVIEW FOR PENDING DIRECT APPEAL

INTRODUCTION

Now comes the defendant, Michael Donnell Neely, representing himself, pro se, in the above case number. He respectfully request's that this Honorable Court issue an order to the appropriate party so that he can have access to his trial and sentencing transcripts, for his review concerning his Direct Appeal and possibly a 28 U.S.C. § 2255 petition, if his Direct Appeal is unsuccessful.

PARTIES

Defendant/Petitioner, hereinafter "Neeley" is a Federal prisoner currently held at FCI Hazelton, West Virginia, P.O. Box 5000, Bruceton Mills, West Virginia, 26525. Respondent is United States of America through the the United States District Court, Western District of Michigan (Southern Division (1)). See U.S.A. v. Michael Donnell Neeley, 1:17-cr-00271-JTN-5. Neeley's attorney is currently, Mark Wettle of Masters Bullins & Arrington, 1012 S Fourth St. Louisville, KY 40203. Attorney Wettle has been appointed to file Neeley's Direct Appeal.

PROCEEDURAL HISTORY

Neeley was arraigned on numerous charges related to Conspiracy to Distribute a Controlled Substance, Possession of Marijuana with Intent to distrubute, and 922(g)

Possession of a Firearm by convicted felon, as well as other drug and firearms charges on December 4, 2017.

On May 17, 2017, Neeley was found guilty of Counts 1,5, and 6.

On September 24, 2018, Neeley was sentenced to a total of 235 Months imprisonment, a \$3,000 fine and a \$300.00 special assessment, as well as 5 years of supervised release.

On September 24, 2018, Neeley filed a timely Notice of Appeal.

On September 24, 2018, attorney Mark Wettle, was appointed as Neeley's appellate attorney.

On February 27, 2019, attorney Mark Wettle, filed Neeley's appellate brief in the United States Court of Appeals, For the Sixth Circuit.

Between September 24, 2018 and February 27, 2019, Neeley has made numerous attempts to communicate with Mr. Wettle concerning his Direct Appeal. He has contacted him by mail, phone, and via e-mail in an attempt to provide input related to his Direct Appeal as well as to request a copy of his trial and sentencing hearing transcripts. All of Neeley's attempts have been unsuccessful. His Direct Appeal was filed without his input and Mr. Wettle has informed him that he does **"not have access to his District Court File"**, which has left Neely confused. How can his appellate attorney file an appropriate appeal without reviewing Neeley's District Court File, specifically Neely's trial and sentencing transcripts? If this is in fact true, Neeley's appeal would be less than adequate by the professional standards in **STRICKLAND v. WASHINGTON**. Any attorney filing an appeal without reviewing the case file would be doing his client a huge dis-service.

This information that Neeley brings to the Honorable Court can be substantiated by a review of the numerous e-mails between Neeley and attorney Wettle. Specifically the email from January 28, 2019, Tru Links # 21934040, where Mr Wettle makes the statement about not having access to Neeley's District Court File. (See Attached E-Mails).

Neeley has exhausted all available remedy's in an attempt to recieve his case file and trial/sentencing hearing transcripts. Thus, Neeley comes now respectfully requesting this Honorable Courts intervention.

ARGUMENT

As Neeley has only a cusory education which ended in high school, he is untrained and inexperienced with the law. For this reason, he asks humbly that the court construe his motion liberally under the **HAINES v. KERNER**, less stringent standard.

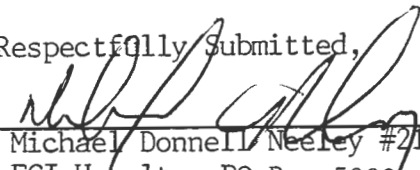
Taken liberally, along with his petition, signed under pains and penalties of perjury, he requests that this Honorable Court, using the Federal Rules of Criminal Procedure, or other applicable local rules that apply, order the United States Attorneys Office or his appellant attorney, Mark Wettle, to provide Neeley with his District Court file, which includes, his trial and sentencing hearing transcripts.

CONCLUSION

Providing Neeley with his District Court file/trial and sentencing hearing transcripts will not prejudice the U.S.A. or attorney Wettle at all but the with holding of the documents will bring real and actual harm to Neeley. In the interest of justice Neeley moves for the Honorable Courts intervention in this matter.

Wherefore, for all the foregoing reasons Neeley respectfully requests this Court to **GRANT** his motion/petition and order respondent U.S.A. or his attorney to promptly provide him with the requested documents/transcripts.

Respectfully Submitted,


Michael Donnell Neeley #21934-040
FCI Hazelton PO Box 5000
Bruceton Mills, WV. 26525

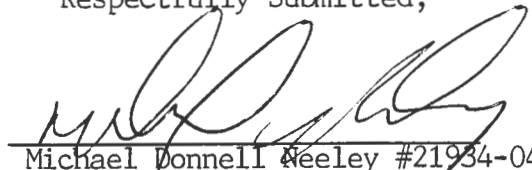
(3)

CERTIFICATE OF SERVICE

I, Michael Donnell Neeley, pro se, do hereby certify that i did cause to be served one true and correct copy of the foregoing motion for th Honorable Court to issue an order to release transcripts, on the below named, by placing same in the U.S. Postal receptacle in M1 Unit at FCI Hazelton, West Virginia, on this 30 day of April, 2019, First Class postage affirmed.

U.S. Attorney (Grand Rapids)
The Law Bldg.
330 Ionia Ave., NW
PO Box 208
Grand Rapids, MI 49501

Respectfully Submitted,


Michael Donnell Neeley #21934-040
FCI Hazelton PO Box 5000
Bruceton Mills, WV. 26525

MICHAEL D. NEELEY #21934-090

HAZELTON FEDERAL CORRECTIONS INSTITUTION

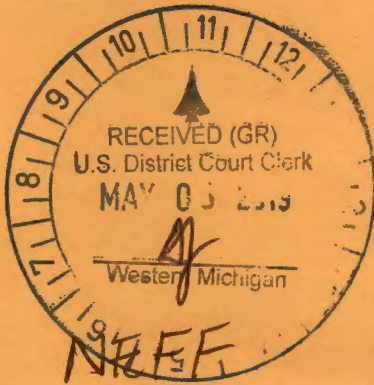
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BRUCETON MILLS, WV 26525

JUDGE JAMES

110 MICHIGAN

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